



# House of Representatives

General Assembly

**File No. 228**

February Session, 2008

Substitute House Bill No. 5324

*House of Representatives, March 27, 2008*

The Committee on Planning and Development reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY OF  
REGIONAL PLANNING ORGANIZATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-124i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 As used in sections 4-124i to 4-124p, inclusive:

4 [(a)] (1) "Planning region" means a planning region of the state as  
5 defined or redefined by the Secretary of the Office of Policy and  
6 Management, or his designee under the provisions of section 16a-4a;

7 [(b)] (2) "Regional council of elected officials" means any regional  
8 council of elected officials organized under the provisions of this  
9 chapter;

10 [(c)] (3) "Regional planning agency" means any regional planning

11 agency organized under the provisions of chapter 127;

12 [(d)] (4) "Chief elected official" means the highest ranking elected  
13 governmental official of any town, city or borough within the state;

14 [(e)] (5) "Elected official" means any selectman, mayor, alderman, or  
15 member of a common council or other similar legislative body of any  
16 town or city, or warden or burgess of any borough;

17 [(f)] (6) "Council" means a regional council of governments  
18 organized under the provisions of sections 4-124i to 4-124p, inclusive;

19 [(g)] (7) "Member" means any town, city or borough within a  
20 planning region of the state having become a member of a regional  
21 council of governments in accordance with said sections;

22 (8) "Regional planning organization" means a regional council of  
23 governments organized under the provisions of sections 4-124i to 4-  
24 124p, inclusive, a regional council of elected officials organized under  
25 the provisions of section 4-124c to 4-124h, inclusive, or a regional  
26 planning agency organized under the provisions of chapter 127.

27 Sec. 2. Subsection (b) of section 23-102 of the general statutes is  
28 repealed and the following is substituted in lieu thereof (*Effective*  
29 *October 1, 2008*):

30 (b) The duties of the council shall be: (1) To advise and assist in the  
31 coordination of state agencies, municipalities, regional planning  
32 organizations, as defined in section 4-124i, as amended by this act, and  
33 private citizens in voluntarily planning and implementing a system of  
34 greenways; (2) to operate a greenways help center to advise state  
35 agencies, municipalities, regional planning organizations, as defined in  
36 section 4-124i, as amended by this act, and private citizens in the  
37 technical aspects of planning, designing and implementing greenways,  
38 including advice on securing state, federal and nongovernmental  
39 grants; (3) to establish criteria for designation of greenways; (4) to  
40 maintain an inventory of greenways in the state which shall include  
41 the location of greenways transportation projects which have received

42 grants under sections 23-101, 32-6a, 32-9qq and 32-328; (5) to advise the  
43 Commissioner of Economic and Community Development on the  
44 distribution of grants for greenways transportation projects pursuant  
45 to sections 32-6a, 32-9qq and 32-328; and (6) to advise the  
46 Commissioner of Environmental Protection on the distribution of  
47 grants pursuant to section 23-101.

48 Sec. 3. Subsection (d) of section 25-204 of the 2008 supplement to the  
49 general statutes is repealed and the following is substituted in lieu  
50 thereof (*Effective October 1, 2008*):

51 (d) Upon completion of an inventory, statement of objectives and  
52 map pursuant to subsections (a), (b) and (c) of this section, the river  
53 committee shall publish in a newspaper having substantial circulation  
54 in the affected area at least thirty days' notice of a public hearing to be  
55 held in one of the municipalities represented on the committee. Such  
56 hearing shall provide an opportunity for public comment regarding  
57 such documents and the committee shall also provide for the  
58 submission of written comments to such committee regarding such  
59 documents. After considering all comments received, the river  
60 committee shall revise said documents as appropriate and submit  
61 them to the commissioner and the secretary. Within ninety days of  
62 receiving the revised documents, the commissioner shall provide  
63 written comments to the river committee and shall furnish a copy of  
64 such comments to the secretary. The secretary shall coordinate a  
65 review of the revised documents by all other relevant state agencies  
66 and regional planning organizations, [established pursuant to section  
67 8-31a] as defined in section 4-124i, as amended by this act, and, within  
68 ninety days of receiving such revised documents, shall provide written  
69 comments thereon to the river committee and shall furnish a copy of  
70 such comments to the commissioner. After considering all comments  
71 received from the commissioner and the secretary, the river committee  
72 shall adopt an inventory, statement of objectives and map and shall  
73 publish, in a newspaper having substantial circulation in the affected  
74 area, notice of the adoption of the inventory, statement of objectives  
75 and map.

76 Sec. 4. Subsection (f) of section 25-204 of the 2008 supplement to the  
77 general statutes is repealed and the following is substituted in lieu  
78 thereof (*Effective October 1, 2008*):

79 (f) (1) After adoption of an inventory, statement of objectives and  
80 map pursuant to subsection (d) of this section, the river committee  
81 shall prepare a river corridor protection plan. The river committee  
82 shall publish in a newspaper having a substantial circulation in the  
83 affected area at least thirty days' notice of a public hearing to be held in  
84 one of the municipalities represented on the committee. Such hearing  
85 shall provide an opportunity for public comment regarding the plan  
86 and the committee shall also provide for the submission of written  
87 comments on the plan. The committee shall send a copy of such notice  
88 to the chief elected official of each municipality located wholly or  
89 partially in the subregional drainage basin in which the subject river  
90 corridor is located and shall send such notice by certified mail, return  
91 receipt requested, to each person who owns property adjacent to the  
92 river segment which is the subject of the river corridor proposed for  
93 designation under section 25-205. After considering all comments  
94 received, the river committee shall revise said documents as  
95 appropriate and submit them to the commissioner and the secretary.  
96 Within ninety days of receiving the revised documents, the  
97 commissioner shall provide written comments to the river committee  
98 and shall furnish a copy of such comments to the secretary. The  
99 secretary shall coordinate a review of the revised documents by all  
100 other relevant state agencies and regional planning organizations,  
101 [established pursuant to section 8-31a] as defined in section 4-124i, as  
102 amended by this act, and within ninety days of receiving such  
103 documents shall provide written comments thereon to the river  
104 commission and shall furnish a copy of such comments to the  
105 commissioner. After considering all comments received from the  
106 commissioner and the secretary, the river committee shall revise the  
107 river corridor protection plan as appropriate and shall publish in a  
108 newspaper having a substantial circulation in the affected area notice  
109 of the availability of the response to comments and the revised plan.

110 (2) A river corridor protection plan shall set forth a strategy for  
111 achieving the protection and preservation objectives contained in the  
112 statement of objectives adopted pursuant to subsection (d) of this  
113 section and for reconciling existing incompatible uses with resource  
114 preservation. Such plan shall make recommendations for the  
115 modification of municipal plans of conservation and development and  
116 zoning, subdivision, site plan and wetlands regulations as necessary to  
117 allow implementation of the river corridor protection plan and to  
118 assure that each member municipality similarly preserves that portion  
119 of the river corridor under its jurisdiction. Such plan shall recommend  
120 that applicable municipal regulations be modified to prohibit mining,  
121 moving of earth and dredging, other than dredging to maintain  
122 existing uses, within the river corridor. Such plan may set out  
123 guidelines for disturbing vegetation within the river corridor and  
124 identify areas where clear-cutting should be prohibited; may  
125 recommend municipal adoption of programs to minimize pollution or  
126 development of the river corridor and maximize voluntary private  
127 preservation efforts; shall consider land and water uses which may be  
128 compatible with river protection, including hydropower, agriculture,  
129 recreation and waste discharges and may recommend appropriate  
130 revisions of any state or regional plans of development or municipal  
131 plans of conservation and development or open space plans. Such plan  
132 shall include a time schedule for state and municipal implementation  
133 of such regulatory modifications and programs.

134 (3) A river corridor protection plan shall include the results of an  
135 instream flow study if the commissioner deems it necessary. An  
136 instream flow study shall be conducted in accordance with the  
137 commissioner's guidance and shall document water flow in the river  
138 corridor for the purpose of determining whether there is sufficient  
139 flow to allow withdrawals of water consistent with the resource  
140 protection and preservation objectives of the river corridor protection  
141 plan.

142 Sec. 5. Subsections (d) to (f), inclusive, of section 25-234 of the 2008  
143 supplement to the general statutes are repealed and the following is

144 substituted in lieu thereof (*Effective October 1, 2008*):

145 (d) Upon completion of an inventory, statement of objectives and  
146 map pursuant to subsections (a), (b) and (c) of this section, the river  
147 commission shall publish in a newspaper having a substantial  
148 circulation in the affected area notice of a public hearing to be held not  
149 less than thirty days thereafter in one of the municipalities represented  
150 on the commission. Such hearing shall provide an opportunity for oral  
151 and written comments regarding such documents. After considering  
152 all comments received, the river commission shall revise said  
153 documents as appropriate and submit them to the commissioner and  
154 the secretary. Within sixty days of receiving the revised documents,  
155 the commissioner shall provide written comments to the river  
156 commission and shall furnish a copy of such comments to the  
157 secretary. The secretary shall coordinate a review of the revised  
158 documents by all other relevant state agencies and regional planning  
159 organizations, [established pursuant to section 8-31a] as defined in  
160 section 4-124i, as amended by this act, and, within ninety days of  
161 receiving such revised documents, shall provide written comments  
162 thereon to the river commission and shall furnish a copy of such  
163 comments to the commissioner. After considering all comments  
164 received from the commissioner and the secretary, the river  
165 commission shall adopt a final inventory, statement of objectives and  
166 map and shall publish, in a newspaper having a substantial circulation  
167 in the affected area, notice of the adoption of the final inventory,  
168 statement of objectives and map.

169 (e) After adoption of an inventory, statement of objectives and map,  
170 pursuant to subsection (d) of this section, the river commission shall  
171 prepare a report on all federal, state, regional and municipal laws,  
172 plans, programs and proposed activities which may affect the river  
173 corridor defined in such map. Such federal, state, regional and  
174 municipal laws shall include regulations adopted pursuant to chapter  
175 440, and zoning, subdivision and site plan regulations adopted  
176 pursuant to section 8-3. Such federal, state, regional and municipal  
177 plans shall include plans of development adopted pursuant to section

178 8-23 of the 2008 supplement to the general statutes, as amended by this  
179 act, the state plan for conservation and development, water utility  
180 supply plans submitted pursuant to section 25-32d, coordinated water  
181 system plans submitted pursuant to section 25-33h, the master  
182 transportation plan adopted pursuant to section 13b-15, plans  
183 prepared by regional planning organizations, [pursuant to section 8-  
184 31a] as defined in section 4-124i, as amended by this act, and plans of  
185 publicly-owned wastewater treatment facilities whose discharges may  
186 affect the subject river corridor. State and regional agencies shall,  
187 within available resources, assist the river commission in identifying  
188 such laws, plans, programs and proposed activities. The report to be  
189 prepared pursuant to this section shall identify any conflicts between  
190 such federal, state, regional and municipal laws, plans, programs and  
191 proposed activities and the river commission's objectives for river  
192 corridor management as reflected in the statement of objectives. If  
193 conflicts are identified, the river commission shall notify the applicable  
194 state, regional or municipal agencies and such agencies shall, within  
195 available resources and in consultation with the river commission,  
196 attempt to resolve such conflicts.

197 (f) (1) After adoption of an inventory, statement of objectives and  
198 map pursuant to subsection (d) of this section and completion of a  
199 report pursuant to subsection (e) of this section, the river commission  
200 shall prepare a river corridor management plan. The river commission  
201 shall publish in a newspaper having a substantial circulation in the  
202 affected area notice of a public hearing to be held not less than thirty  
203 days thereafter in one of the municipalities represented on the  
204 commission. Such hearing shall provide an opportunity for oral and  
205 written comment regarding the plan. The commission shall send a  
206 copy of such notice to the chief elected official of each municipality  
207 located wholly or partially in the subregional drainage basin in which  
208 the subject river corridor is located and shall send such notice by  
209 certified mail, return receipt requested, to each person who owns  
210 property adjacent to the river segment which is the subject of the river  
211 corridor. After considering all comments received, the river  
212 commission shall revise said documents as appropriate and submit

213 them to the commissioner and the secretary. Within sixty days of  
214 receiving the revised documents, the commissioner shall provide  
215 written comments to the river commission and shall furnish a copy of  
216 such comments to the secretary. The secretary shall coordinate a  
217 review of the revised documents by all relevant state agencies and  
218 regional planning organizations, [established pursuant to section 8-  
219 31a] as defined in section 4-124i, as amended by this act. Within ninety  
220 days of the date the secretary receives such revised documents, he  
221 shall provide written comments thereon to the river commission and  
222 to the commissioner. After considering all comments received from the  
223 commissioner and the secretary, the river commission shall prepare a  
224 document responding to all comments received, shall revise the river  
225 corridor management plan as appropriate and shall publish in a  
226 newspaper having a substantial circulation in the affected area notice  
227 of the availability of the response to comments and the revised plan.

228 (2) A river corridor management plan shall set forth a strategy for  
229 achieving the objectives contained in the statement of objectives  
230 adopted pursuant to subsection (d) of this section for the river corridor  
231 mapped pursuant to said subsection and for resolving any conflicts  
232 identified in the report prepared pursuant to subsection (e) of this  
233 section. Such plan shall make recommendations for the modification of  
234 municipal plans of development and zoning, subdivision, site plan and  
235 wetlands regulations as necessary to allow implementation of such  
236 plan and to assure that each member municipality similarly manages  
237 that portion of the river corridor under its jurisdiction. Such  
238 recommendations may concern tourism, navigation, utility and  
239 transportation rights-of-way and water-dependent recreational,  
240 industrial, commercial and other uses, as well as proposals for specific  
241 setbacks from the river, dimensions of new lots and buildings,  
242 restrictions on cutting of vegetation, restrictions on earth-moving for  
243 mining or other purposes, prohibited activities and regulation of  
244 paving and other forms of impervious ground cover. Such plan may  
245 also include recommendations that member municipalities enact or  
246 adopt incentives for property owners to protect lands within the river  
247 corridor and to develop such lands in a manner that is compatible with



248 resource protection. Such incentives may include tax credits for  
249 donation to appropriate parties of open space easements or land  
250 development rights and incentives for cluster development.

251 (3) The river corridor management plan shall include the results of  
252 an instream flow study if the commissioner deems it necessary. An  
253 instream flow study shall be conducted in accordance with the  
254 commissioner's guidance and shall document water flow in the river  
255 corridor for the purpose of determining whether there is sufficient  
256 flow to allow withdrawals of water consistent with the resource  
257 protection and enhancement objectives of the river corridor  
258 management plan.

259 Sec. 6. Section 4-124h of the general statutes is repealed and the  
260 following is substituted in lieu thereof (*Effective October 1, 2008*):

261 Wherever a regional council of elected officials exists in a region  
262 where there is no regional planning agency [, such] or regional council  
263 of governments, the regional council of elected officials may exercise  
264 all the powers of a regional planning agency [as defined in] organized  
265 under chapter 127, [of the general statutes, as amended] or a regional  
266 council of governments organized under the provisions of sections 4-  
267 124i to 4-124p, inclusive, as amended by this act.

268 Sec. 7. Section 8-33a of the general statutes is repealed and the  
269 following is substituted in lieu thereof (*Effective October 1, 2008*):

270 The regional planning agency shall annually elect from among its  
271 members a chairman, a treasurer, who shall be bonded, and such other  
272 officers as the agency determines. Bylaws shall be adopted by the  
273 agency. Such bylaws shall include provisions for quarterly meetings  
274 on regional issues with the chief elected officials of the towns, cities or  
275 boroughs that are members of the regional planning agency. All  
276 meetings of the agency shall be held at the call of the chairman and at  
277 such other times as the agency determines. The treasurer shall receive  
278 all funds and moneys of the agency and shall pay out the same only in  
279 accordance with the bylaws and within limits of such receipts. The

280 agency shall keep minutes of all its meetings and official actions, which  
281 minutes shall be filed in the office of the agency and shall be a public  
282 record. Each regional planning agency shall file an annual report with  
283 the chief executive officers, town, city or borough clerks, as the case  
284 may be, and planning commissions, if any, of member towns, cities or  
285 boroughs, and with the Secretary of the Office of Policy and  
286 Management, or his designee.

287 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) As used in this section:

288 (1) "Planning region" means a planning region of the state as  
289 defined or redefined by the Secretary of the Office of Policy and  
290 Management, or the designee of the secretary, under the provisions of  
291 section 16a-4a of the general statutes, as amended by this act;

292 (2) "Project of regional significance" means a project that (A) is  
293 located in a municipality in a regional planning area and such project  
294 impacts other municipalities in such regional planning area or that is  
295 located in a municipality in a regional planning area that is contiguous  
296 to a municipality in another regional planning area, and (B) meets the  
297 criteria for a project of regional significance, as specified in regulations  
298 adopted by the Secretary of the Office of Policy and Management  
299 under subsection (c) of this section; and

300 (3) "Regional planning organization" means a regional planning  
301 organization as defined in section 4-124i of the general statutes, as  
302 amended by this act.

303 (b) Whenever a petition, application or request for a project of  
304 regional significance is submitted to a zoning commission or planning  
305 and zoning commission under chapter 124 of the general statutes, such  
306 zoning commission or planning and zoning commission shall give  
307 written notice of such petition, application or request, not more than  
308 thirty days before such hearing, to the regional planning organization  
309 operating in the region within which the municipality is located and to  
310 any other regional planning organization where there is a municipality  
311 contiguous to the municipality in which the project is located. The

312 regional planning organization shall study such proposal and shall  
313 report its findings and recommendations thereon to the zoning  
314 commission or planning and zoning commission at or before the  
315 hearing. The report shall analyze the compliance of the project with the  
316 regional plan of conservation and development and other issues the  
317 regional planning organization deems critical to the analysis. The  
318 report shall be made a part of the record of such hearing. If such report  
319 of the regional organization is not submitted at or before the hearing, it  
320 shall be presumed that such organization does not disapprove of the  
321 proposal.

322 (c) The Secretary of the Office of Policy and Management, in  
323 consultation with the Interagency Steering Council established  
324 pursuant to Executive Order No. 15, shall adopt regulations, in  
325 accordance with the provisions of chapter 54 of the general statutes,  
326 establishing criteria to define projects of regional significance. In  
327 establishing such criteria, the secretary shall take into consideration  
328 factors including, but not limited to, location, type and size of the  
329 project.

330 Sec. 9. Subsection (a) of section 8-7d of the 2008 supplement to the  
331 general statutes is repealed and the following is substituted in lieu  
332 thereof (*Effective October 1, 2008*):

333 (a) In all matters wherein a formal petition, application, request or  
334 appeal must be submitted to a zoning commission, planning and  
335 zoning commission or zoning board of appeals under this chapter, a  
336 planning commission under chapter 126 or an inland wetlands agency  
337 under chapter 440 or an aquifer protection agency under chapter 446i  
338 and a hearing is required or otherwise held on such petition,  
339 application, request or appeal, such hearing shall commence within  
340 sixty-five days after receipt of such petition, application, request or  
341 appeal and shall be completed within thirty-five days after such  
342 hearing commences, unless a shorter period of time is required under  
343 this chapter, chapter 126, chapter 440 or chapter 446i. Notice of the  
344 hearing shall be published in a newspaper having a general circulation

345 in such municipality where the land that is the subject of the hearing is  
346 located at least twice, at intervals of not less than two days, the first not  
347 more than fifteen days or less than ten days and the last not less than  
348 two days before the date set for the hearing. In the case of an  
349 application for a project of regional significance, as defined in section 8  
350 of this act, notice shall be given not less than thirty days before such  
351 hearing to the regional planning organization, as defined in section 4-  
352 124i, as amended by this act, operating within the region that the  
353 municipality is located and to any other regional planning  
354 organization, as defined in section 4-124i, as amended by this act,  
355 where there is a municipality contiguous to the municipality in which  
356 the project is located. In addition to such notice, such commission,  
357 board or agency may, by regulation, provide for additional notice.  
358 Such regulations shall include provisions that the notice be mailed to  
359 persons who own land that is adjacent to the land that is the subject of  
360 the hearing or be provided by posting a sign on the land that is the  
361 subject of the hearing, or both. For purposes of such additional notice,  
362 (1) proof of mailing shall be evidenced by a certificate of mailing, and  
363 (2) the person who owns land shall be the owner indicated on the  
364 property tax map or on the last-completed grand list as of the date  
365 such notice is mailed. All applications and maps and documents  
366 relating thereto shall be open for public inspection. At such hearing,  
367 any person or persons may appear and be heard and may be  
368 represented by agent or by attorney. All decisions on such matters  
369 shall be rendered not later than sixty-five days after completion of such  
370 hearing, unless a shorter period of time is required under this chapter,  
371 chapter 126, chapter 440 or chapter 446i. The petitioner or applicant  
372 may consent to one or more extensions of any period specified in this  
373 subsection, provided the total extension of all such periods shall not be  
374 for longer than sixty-five days, or may withdraw such petition,  
375 application, request or appeal.

376 Sec. 10. Section 16a-4a of the general statutes is repealed and the  
377 following is substituted in lieu thereof (*Effective October 1, 2008*):

378 The Office of Policy and Management shall:

379 (1) Formulate and prepare state-wide or interregional plans for the  
380 physical, social and economic development of the state. Such plans  
381 may be prepared jointly or in consultation with other state, interstate,  
382 federal, regional or local agencies. Such plans may include, but need  
383 not be limited to, (A) demographic projections, (B) economic  
384 projections, (C) land use and water considerations, (D) transportation  
385 requirements, (E) environmental considerations, (F) energy capabilities  
386 and requirements, (G) public facilities, (H) labor needs and skills, (I)  
387 educational objectives, (J) housing needs and (K) health needs;

388 (2) Receive for review, information and recommendations, plans  
389 proposed by any state agency acting alone or jointly which has among  
390 its duties planning responsibilities relating to those considerations set  
391 forth in subdivision (1) of this section or similar subjects;

392 (3) Coordinate regional and state planning activities and accomplish  
393 such planning review activities as may be necessary;

394 (4) Designate or redesignate logical planning regions within the  
395 state and promote and assist in the promotion and continuation of  
396 regional planning agencies under chapter 127. Such planning regions  
397 shall be redesignated in accordance with section 11 of this act;

398 (5) Provide for technical aid and the administration of financial  
399 assistance to regional planning agencies established under chapter 127  
400 or any regional council of elected officials in any region without a  
401 regional planning agency or any regional council of governments  
402 organized under sections 4-124i to 4-124p, inclusive, as amended by  
403 this act, under such terms and conditions as may be agreed upon by  
404 the secretary;

405 (6) Accept from any source funds, revenue or other consideration  
406 available to this state for interstate, state, regional, interregional or area  
407 planning activities or projects and provide for the administration of  
408 such funds, revenues or other consideration;

409 (7) Make available to the public, for a reasonable fee, all reports,

410 testing results and other material developed or procured as a result of  
411 activities authorized by this section, section 16a-14 of the 2008  
412 supplement to the general statutes and section 16a-14b; and

413 (8) Provide technical assistance to municipalities that want to  
414 aggregate electric generation services.

415 Sec. 11. (NEW) (*Effective October 1, 2008*) (a) On or before October 1,  
416 2011, and at least every twenty years thereafter, the Secretary of the  
417 Office of Policy and Management shall conduct an analysis of the  
418 boundaries of logical planning regions designated or redesignated  
419 under section 16a-4a of the general statutes, as amended by this act. As  
420 part of such analysis, the secretary shall develop criteria to evaluate the  
421 impact of urban centers on neighboring towns. Such criteria shall  
422 include, but not be limited to, criteria to (1) evaluate trends in  
423 economic development and the environment, including trends in  
424 housing patterns, employment levels, commuting patterns for the most  
425 common job classifications in the state, traffic patterns on major  
426 roadways, and local perceptions of social and historic ties; and (2)  
427 establish a minimum size for logical planning areas that takes into  
428 consideration the number of municipalities, total population and the  
429 total square mileage.

430 (b) Any revision to the boundaries based on the analysis completed  
431 on or before October 1, 2011, shall be effective July 1, 2012. Any  
432 subsequent revision shall be effective on July first after the revision.

433 Sec. 12. Section 16a-27 of the general statutes is repealed and the  
434 following is substituted in lieu thereof (*Effective October 1, 2008*):

435 (a) The secretary, after consultation with all appropriate state,  
436 regional and local agencies and other appropriate persons, shall prior  
437 to March 1, 2009, complete a revision of the existing plan and enlarge it  
438 to include, but not be limited to, policies relating to transportation,  
439 energy and air. Any revision made after May 15, 1991, shall identify  
440 the major transportation proposals, including proposals for mass  
441 transit, contained in the master transportation plan prepared pursuant

442 to section 13b-15. Any revision made after July 1, 1995, shall take into  
443 consideration the conservation and development of greenways that  
444 have been designated by municipalities and shall recommend that  
445 state agencies coordinate their efforts to support the development of a  
446 state-wide greenways system. The Commissioner of Environmental  
447 Protection shall identify state-owned land for inclusion in the plan as  
448 potential components of a state greenways system.

449 (b) Any revision made after August 20, 2003, shall take into account  
450 (1) economic and community development needs and patterns of  
451 commerce, and (2) linkages of affordable housing objectives and land  
452 use objectives with transportation systems.

453 (c) Any revision made after March 1, 2006, shall (1) take into  
454 consideration risks associated with natural hazards, including, but not  
455 limited to, flooding, high winds and wildfires; (2) identify the potential  
456 impacts of natural hazards on infrastructure and property; and (3)  
457 make recommendations for the siting of future infrastructure and  
458 property development to minimize the use of areas prone to natural  
459 hazards, including, but not limited to, flooding, high winds and  
460 wildfires.

461 (d) Any revision made after July 1, 2005, shall describe the progress  
462 towards achievement of the goals and objectives established in the  
463 previously adopted state plan of conservation and development and  
464 shall identify (1) areas where it is prudent and feasible (A) to have  
465 compact, transit accessible, pedestrian-oriented mixed-use  
466 development patterns and land reuse, and (B) to promote such  
467 development patterns and land reuse, (2) priority funding areas  
468 designated under section 16a-35c, and (3) corridor management areas  
469 on either side of a limited access highway or a rail line. In designating  
470 corridor management areas, the secretary shall make  
471 recommendations that (A) promote land use and transportation  
472 options to reduce the growth of traffic congestion; (B) connect  
473 infrastructure and other development decisions; (C) promote  
474 development that minimizes the cost of new infrastructure facilities

475 and maximizes the use of existing infrastructure facilities; and (D)  
476 increase intermunicipal and regional cooperation.

477 (e) Any revision made after October 1, 2008, shall (1) for each policy  
478 recommended (A) assign a priority; (B) estimate funding for  
479 implementation and identify potential funding sources; (C) identify  
480 each entity responsible for implementation; and (D) establish a  
481 schedule for implementation; and (2) for each growth management  
482 principle, determine three benchmarks to measure progress in  
483 implementation of the principles, one of which shall be a financial  
484 benchmark.

485 [(e)] (f) Thereafter on or before March first in each revision year the  
486 secretary shall complete a revision of the plan of conservation and  
487 development.

488 Sec. 13. Section 4-124s of the 2008 supplement to the general statutes  
489 is repealed and the following is substituted in lieu thereof (*Effective July*  
490 *1, 2008*):

491 (a) For purposes of this section, (1) "regional council of  
492 governments" means any such council organized under the provisions  
493 of sections 4-124i to 4-124p, inclusive, (2) "regional council of elected  
494 officials" means any such council organized under the provisions of  
495 sections 4-124c to 4-124h, inclusive, and (3) "regional planning agency"  
496 means an agency defined in chapter 127.

497 (b) There is established a regional performance incentive program  
498 that shall be administered by the Secretary of the Office of Policy and  
499 Management. On or before December 1, 2007, [and annually  
500 thereafter,] any regional planning agency, any regional council of  
501 elected officials, any regional council of governments, or any  
502 combination thereof, may submit to said secretary a proposal for joint  
503 provision of a service or services that are currently provided by  
504 municipalities within the region of such agency or council or  
505 contiguous thereto, but not currently provided on a regional basis.  
506 [The proposal shall include such service or services which may



507 increase the participating municipalities' purchasing power or provide  
508 a cost savings initiative resulting in a decrease in participating  
509 municipalities' expenses and lower property taxes.] On or before  
510 December 31, 2008, and annually thereafter, any such entity may  
511 submit a proposal to said secretary for: (1) The joint provision of any  
512 service that one or more participating municipalities of such council or  
513 agency currently provide but which is not provided on a regional  
514 basis; (2) the joint provision of any service that is not currently  
515 provided within the region of such council or agency or the region  
516 contiguous thereto, by such council or agency or by any participating  
517 municipalities of such council or agency; or (3) a planning study  
518 regarding the joint provision of any service on a regional basis. A copy  
519 of said proposal shall be sent to the legislators representing said  
520 participating municipalities.

521 [(c) The proposal shall (1) describe at least one service currently  
522 provided by a municipality or municipalities within the region of the  
523 agency or council or contiguous thereto, but not currently provided on  
524 a regional basis, (2) provide a description of how such service would  
525 be delivered on a regional basis, including consideration of what entity  
526 would be responsible for such service, and how the population would  
527 continue to be served, (3) describe the amount and the manner in  
528 which the service will achieve economies of scale and the amount and  
529 manner in which each municipality will reduce its mill rate as a result  
530 of the savings realized by changing the municipal service to a regional  
531 service, (4) include a cost benefit analysis for the provision of such  
532 service by the municipality and by the council or agency, (5) set out a  
533 plan of implementation for such regional service, (6) estimate the  
534 savings that will be realized by each municipality, and (7) any other  
535 items requested by said secretary. Each proposal shall have attached to  
536 it (A) a resolution by the legislative body of each municipality affected  
537 by the proposal endorsing such proposal; and (B) certification by each  
538 such municipality that there are no legal obstacles to provision of  
539 services in the manner specified in the proposal including, but not  
540 limited to, binding arbitration. The proposal shall be submitted on a  
541 form prescribed by said secretary. Said secretary shall review all such

542 proposals, and award grants to those that the secretary determines best  
543 meet the requirements of this subsection. In making such grants the  
544 secretary shall give priority to proposals presented by regional  
545 councils of government which include participation of at least fifty per  
546 cent of the member municipalities of such council.]

547 (c) (1) An entity specified in subsection (a) of this section shall  
548 submit each proposal in the form and manner said secretary prescribes  
549 and shall, at a minimum, provide the following information for each  
550 proposal: (A) Service description; (B) the explanation of the need for  
551 such service; (C) the method of delivering such service on a regional  
552 basis; (D) the organization that would be responsible for regional  
553 service delivery; (E) a description of the population that would be  
554 served; (F) the manner in which regional service delivery will achieve  
555 economies of scale; (G) the amount by which participating  
556 municipalities will reduce their mill rates as a result of savings  
557 realized; (H) a cost benefit analysis for the provision of the service by  
558 each participating municipality and by the entity submitting the  
559 proposal; (I) a plan of implementation for delivery of the service on a  
560 regional basis; (J) a resolution endorsing such proposal approved by  
561 the legislative body of each participating municipality, or, in any town  
562 where the legislative body is a town meeting, by the board of  
563 selectmen; and (K) an explanation of the potential legal obstacles, if  
564 any, to the regional provision of the service.

565 (2) The secretary shall review each proposal and shall award grants  
566 for proposals the secretary determines best meet the requirements of  
567 this section. In awarding such grants, the secretary shall give priority  
568 to a proposal submitted by any entity specified in subsection (a) of this  
569 section that includes participation of all of the member municipalities  
570 of such entity, and which may increase the purchasing power of such  
571 member municipalities or provide a cost savings initiative resulting in  
572 a decrease in expenses of such municipalities, allowing such  
573 municipalities to lower property taxes.

574 (d) [Not later than February 1, 2008, and annually thereafter, the]

575 The secretary shall submit to the Governor and the joint standing  
576 committee of the General Assembly having cognizance of matters  
577 relating to finance, revenue and bonding a report on the grants  
578 provided pursuant to this section. Each such report shall include  
579 information on the amount of each grant, and the potential of each  
580 grant for leveraging other public and private investments. The  
581 secretary shall submit a report for the fiscal year commencing July 1,  
582 2007, not later than February 1, 2008, and shall submit a report for each  
583 subsequent fiscal year not later than the first day of March in such  
584 fiscal year.

585       Sec. 14. Section 8-35a of the 2008 supplement to the general statutes  
586 is repealed and the following is substituted in lieu thereof (*Effective*  
587 *October 1, 2008*):

588       (a) At least once every ten years, each regional planning agency  
589 shall make a plan of conservation and development for its area of  
590 operation, showing its recommendations for the general use of the area  
591 including land use, housing, principal highways and freeways,  
592 bridges, airports, parks, playgrounds, recreational areas, schools,  
593 public institutions, public utilities, agriculture and such other matters  
594 as, in the opinion of the agency, will be beneficial to the area. Any  
595 regional plan so developed shall be based on studies of physical,  
596 social, economic and governmental conditions and trends and shall be  
597 designed to promote with the greatest efficiency and economy the  
598 coordinated development of its area of operation and the general  
599 welfare and prosperity of its people. Such plan may encourage energy-  
600 efficient patterns of development, the use of solar and other renewable  
601 forms of energy, and energy conservation. Such plan shall be designed  
602 to promote abatement of the pollution of the waters and air of the  
603 region. The regional plan shall identify areas where it is feasible and  
604 prudent (1) to have compact, transit accessible, pedestrian-oriented  
605 mixed use development patterns and land reuse, and (2) to promote  
606 such development patterns and land reuse and shall note any  
607 inconsistencies with the following growth management principles: (A)  
608 Redevelopment and revitalization of regional centers and areas of

609 mixed land uses with existing or planned physical infrastructure; (B)  
610 expansion of housing opportunities and design choices to  
611 accommodate a variety of household types and needs; (C)  
612 concentration of development around transportation nodes and along  
613 major transportation corridors to support the viability of  
614 transportation options and land reuse; (D) conservation and  
615 restoration of the natural environment, cultural and historical  
616 resources and traditional rural lands; (E) protection of environmental  
617 assets critical to public health and safety; and (F) integration of  
618 planning across all levels of government to address issues on a local,  
619 regional and state-wide basis. The plan of each region contiguous to  
620 Long Island Sound shall be designed to reduce hypoxia, pathogens,  
621 toxic contaminants and floatable debris in Long Island Sound.

622 (b) Before adopting the regional plan of conservation and  
623 development or any part thereof or amendment thereto the agency  
624 shall hold at least one public hearing thereon, notice of the time, place  
625 and subject of which shall be given in writing to the chief executive  
626 officer and planning commission, where one exists, of each member  
627 town, city or borough. Notice of the time, place and subject of such  
628 hearing shall be published once in a newspaper having a substantial  
629 circulation in the region. Such notices shall be given not more than  
630 twenty days or less than ten days before such hearing. At least sixty-  
631 five days before the public hearing the regional planning agency shall  
632 post the plan on the Internet web site of the agency, if any, and submit  
633 the plan to the Secretary of the Office of Policy and Management for  
634 findings in the form of comments and recommendations. [Such  
635 findings shall] By October 1, 2011, the secretary shall establish, by  
636 regulations adopted in accordance with the provisions of chapter 54,  
637 criteria for such findings which shall include procedures for a uniform  
638 review of [the plan] regional plans of conservation and development to  
639 determine if [the] a proposed regional plan of conservation and  
640 development is not inconsistent with the state plan of conservation  
641 and development and the state economic strategic plan. [Such notices  
642 shall be given not more than twenty days nor less than ten days before  
643 such hearing.] The regional planning agency shall note on the record

644 any inconsistency with the state plan of conservation and development  
645 and the reasons for such inconsistency. Adoption of the plan or part  
646 thereof or amendment thereto shall be made by the affirmative vote of  
647 not less than a majority of the representatives on the agency. The plan  
648 shall be posted on the Internet web site of the agency, if any, and a  
649 copy of the plan or of any amendments thereto, signed by the  
650 chairman of the agency, shall be transmitted to the chief executive  
651 officers, the town, city or borough clerks, as the case may be, and to  
652 planning commissions, if any, in member towns, cities or boroughs,  
653 and to the Secretary of the Office of Policy and Management, or his  
654 designee. The regional planning agency shall notify the Secretary of  
655 the Office of Policy and Management of any inconsistency with the  
656 state plan of conservation and development and the reasons therefor.

657 (c) The regional planning agency shall revise the plan of  
658 conservation and development not more than three years after July 1,  
659 2005.

660 (d) The regional planning agency shall assist municipalities within  
661 its region and state agencies and may assist other public and private  
662 agencies in developing and carrying out any regional plan or plans of  
663 such regional planning agency. The regional planning agency may  
664 provide administrative, management, technical or planning assistance  
665 to municipalities within its region and other public agencies under  
666 such terms as it may determine, provided, prior to entering into an  
667 agreement for assistance to any municipality or other public agency,  
668 the regional planning agency shall have adopted a policy governing  
669 such assistance. The regional planning agency may be compensated by  
670 the municipality or other public agency with which an agreement for  
671 assistance has been made for all or part of the cost of such assistance.

672 Sec. 15. Section 8-389 of the general statutes is repealed and the  
673 following is substituted in lieu thereof (*Effective October 1, 2008*):

674 Upon the incorporation of a successfully negotiated regional fair  
675 housing compact into a regional plan of conservation and  
676 development by a regional planning agency pursuant to section 8-386,

677 the Commissioner of Economic and Community Development and the  
678 Connecticut Housing Authority may give priority to any application  
679 for financial or technical assistance made by a municipality, housing  
680 authority or eligible developer as defined in subsection (u) of section 8-  
681 39 in connection with any project located in a municipality which has  
682 approved the regional fair housing compact pursuant to section 8-386.

683 Sec. 16. Section 25-206 of the general statutes is repealed and the  
684 following is substituted in lieu thereof (*Effective October 1, 2008*):

685 (a) Within thirty days of designation of a river corridor, the river  
686 committee shall file the approved map and approved river corridor  
687 protection plan in the office of the town clerk of each member  
688 municipality.

689 (b) Within one year of designation of a river corridor, each member  
690 municipality shall amend its zoning, subdivision, site plan and  
691 wetlands regulations, its municipal plan of conservation and  
692 development and any other applicable laws or plans in accordance  
693 with the recommendations of the approved river corridor protection  
694 plan. The river committee shall assist member municipalities in  
695 adopting any such amendments, and on behalf of a member  
696 municipality may petition the commissioner for an extension of the  
697 one-year deadline specified in this subsection for amending applicable  
698 laws. Before adopting any such amendment, a member municipality  
699 shall submit the proposed amendment to the commissioner, and such  
700 proposed amendment shall not be adopted unless the commissioner  
701 finds in writing that it is consistent with the approved river corridor  
702 protection plan.

703 (c) After a member municipality has completed amending  
704 applicable laws and plans pursuant to subsection (b) of this section, no  
705 zoning variance or other exception to any such amended law shall be  
706 granted unless the zoning board of appeals for such municipality, in  
707 consultation with the river committee, finds in writing that it is  
708 compatible with the approved river corridor protection plan.

709 (d) (1) Every major state plan other than the state plan for  
710 conservation and development, to the extent that it affects a designated  
711 river corridor, shall be consistent with the approved river corridor  
712 protection plan for such corridor, and any state plan which is  
713 inconsistent with such approved river corridor protection plan shall be  
714 modified accordingly. Such modifications shall be made in  
715 consultation with the commissioner at the next scheduled revision of  
716 such plan.

717 (2) If the commissioner finds that the state plan for conservation and  
718 development is inconsistent with an approved river corridor  
719 protection plan for a designated river corridor, he shall apply to the  
720 secretary for a revision pursuant to section 16a-32.

721 (3) Every regional plan of conservation and development adopted  
722 pursuant to section 8-35a of the 2008 supplement to the general  
723 statutes, as amended by this act, to the extent that it affects a  
724 designated river corridor, shall be consistent with the approved river  
725 corridor protection plan for such corridor and any regional plan of  
726 conservation and development which is inconsistent with such  
727 approved river corridor protection plan shall be modified accordingly.  
728 Such modifications shall be made in consultation with the  
729 commissioner.

730 (4) Every municipal plan of conservation and development adopted  
731 pursuant to section 8-23 of the 2008 supplement to the general statutes,  
732 as amended by this act, to the extent that it affects a designated river  
733 corridor, shall be consistent with the approved river corridor  
734 protection plan for such corridor and any municipal plan of  
735 conservation and development which is inconsistent with such  
736 approved river corridor protection plan shall be modified accordingly.  
737 Such modifications shall be made in consultation with the  
738 commissioner.

739 (5) The commissioner may notify any applicable federal agency of  
740 the designation of a river corridor and may take any other appropriate  
741 action to assure consideration of such designation in federal programs

742 or activities.

743 (e) (1) Neither the commissioner nor the Connecticut Siting Council  
744 shall issue a permit or other approval for any activity within a river  
745 corridor designated under section 25-205 unless the commissioner or  
746 the council, as the case may be, determines that such activity would  
747 not adversely affect any of the resources protected pursuant to the plan  
748 for such corridor.

749 (2) A member municipality may submit written testimony to the  
750 commissioner and may appear by right as a party to any hearing  
751 before the commissioner concerning any permit or other license to be  
752 issued by the commissioner for an activity proposed within a  
753 designated river corridor and may appeal any decision of the  
754 commissioner concerning such permit or other license to the superior  
755 court in accordance with the provisions of section 4-183.

756 Sec. 17. Section 25-236 of the general statutes is repealed and the  
757 following is substituted in lieu thereof (*Effective October 1, 2008*):

758 (a) Within thirty days of the commissioner's approval of a map and  
759 river corridor management plan pursuant to section 25-235, the river  
760 commission shall file such map and plan in the office of the town clerk  
761 in each member municipality.

762 (b) Within one year of the commissioner's approval of a map and  
763 river corridor management plan pursuant to section 25-235, each  
764 member municipality shall amend its zoning, subdivision, site plan,  
765 floodplain and wetlands regulations, its municipal plan of  
766 development and any other applicable laws or plans in accordance  
767 with the recommendations of the approved river corridor management  
768 plan. The river commission shall assist member municipalities in  
769 adopting any such amendments and, on behalf of a member  
770 municipality, may petition the commissioner for an extension of the  
771 one-year deadline specified in this subsection for amending applicable  
772 laws or plans. Before adopting any such amendment, the municipality  
773 shall submit the proposed amendment to the commissioner and such



774 proposed amendment shall not be adopted unless the commissioner  
775 finds in writing, within ninety days, that it is consistent with the  
776 approved river corridor management plan.

777 (c) (1) After a member municipality has completed amending  
778 applicable laws and plans pursuant to subsection (b) of this section, no  
779 zoning variance or other exception to any such amended law or plan  
780 shall be granted if such variance or other exception affects a river  
781 corridor with respect to which there exists an approved river corridor  
782 management plan unless the applicant demonstrates that such  
783 variance or other exception satisfies any applicable legal requirements  
784 and the zoning board of appeals for such municipality, or the agency  
785 with jurisdiction over the application at issue, in consultation with the  
786 river commission, finds in writing that such variance or exception is  
787 compatible with the approved river corridor management plan or the  
788 zoning board of appeals or the agency with jurisdiction over the  
789 application has determined that the applicant has presented sufficient  
790 evidence to prove that the property's exceptional difficulty or unusual  
791 hardship warrants such variance or exception.

792 (2) No portion of any applicable municipal law or plan affecting a  
793 river corridor with respect to which a river corridor management plan  
794 has been approved shall be revised unless such municipality has  
795 allowed the river commission to comment on such proposed revision  
796 and has considered any such comments.

797 (d) If the commissioner determines that any member municipality  
798 has failed or is failing to comply with the requirements of subsection  
799 (a) or (b) of this section or if he determines that the plan cannot  
800 effectively be implemented as a result of a municipality withdrawing  
801 from the commission, he and the Connecticut Siting Council shall not  
802 be subject to the provisions of subsections (f) and (g) of this section.

803 (e) (1) Every major state plan, other than the state plan for  
804 conservation and development, to the extent that such major state plan  
805 affects any river corridor for which the commissioner has approved a  
806 river corridor management plan, shall be consistent with such

807 management plan. Any major state plan, other than the state plan for  
808 conservation and development, which is inconsistent with a river  
809 corridor management plan shall be modified accordingly. Such  
810 modifications shall be made in consultation with the commissioner at  
811 the next scheduled revision of such plan.

812 (2) If all the member municipalities of a river commission have  
813 amended their applicable laws and plans pursuant to subsection (b) of  
814 this section and if the commissioner finds that the state plan for  
815 conservation and development is inconsistent with the subject river  
816 corridor management plan, he shall apply to the secretary for a  
817 revision pursuant to section 16a-32.

818 (3) Every regional plan of conservation and development adopted  
819 pursuant to section 8-35a of the 2008 supplement to the general  
820 statutes, as amended by this act, to the extent that it affects any river  
821 corridor for which the commissioner has approved a river corridor  
822 management plan, shall be consistent with such management plan.  
823 Any regional plan of conservation and development which is  
824 inconsistent with a river corridor management plan shall be modified  
825 accordingly. Such modifications shall be made in consultation with the  
826 commissioner.

827 (4) Every municipal plan of development adopted pursuant to  
828 section 8-23 of the 2008 supplement to the general statutes, as amended  
829 by this act, to the extent that it affects any river corridor for which the  
830 commissioner has approved a river corridor management plan, shall  
831 be consistent with such management plan. Any municipal plan of  
832 development which is inconsistent with a river corridor management  
833 plan shall be modified accordingly. Such modifications shall be made  
834 in consultation with the commissioner.

835 (5) The commissioner may notify any applicable federal agency of  
836 his approval of a river corridor management plan and may take any  
837 other appropriate action to assure consideration of such plan in federal  
838 programs or activities.

839 (f) (1) For the purpose of protecting or preserving river corridor  
840 resources, the commissioner may acquire real property or any interest  
841 therein within a river corridor for which he has approved a river  
842 corridor management plan. Such acquisition may be by purchase at  
843 fair market value, gift or devise. The commissioner may accept any gift  
844 or bequest of money or other personal property to be used to acquire  
845 such real property or interest therein, or to meet expenses involved in  
846 maintaining such real property. Such funds shall be held by the State  
847 Treasurer to be used and expended under the direction of the  
848 commissioner.

849 (2) For the purpose of protecting or preserving river corridor  
850 resources, and subject to any lawful restrictions on acquisition of lands  
851 acquired with state funds, a municipality may acquire real property or  
852 any interest therein within a river corridor for which such commission  
853 has adopted a river corridor management plan. Such acquisition may  
854 be by purchase at fair market value, gift or devise. Such municipality  
855 may accept any gift or bequest of money or other personal property to  
856 be used to acquire such real property or interest therein, or to meet  
857 expenses involved in maintaining such real property.

858 (g) (1) The commissioner shall coordinate the activities, including  
859 the granting of permits and other approvals, of all regulatory  
860 programs under his jurisdiction to assure that the administration of  
861 such programs is consistent with every approved river corridor  
862 management plan. Neither the commissioner nor the Connecticut  
863 Siting Council shall issue a permit or other approval for any activity  
864 which may affect a river corridor for which the commissioner has  
865 approved a river corridor management plan under section 25-235  
866 unless the commissioner determines that such activity would not  
867 adversely affect any of the resources protected under such plan.

868 (2) A member municipality may submit written testimony to the  
869 commissioner and may appear by right as a party to any hearing  
870 before the commissioner concerning any permit or other approval to  
871 be issued by the commissioner for an activity proposed within an

872 approved river corridor, and may appeal any decision of the  
873 commissioner concerning such permit or other approval to the  
874 Superior Court in accordance with the provisions of section 4-183.

875 Sec. 18. Section 8-23 of the 2008 supplement to the general statutes is  
876 repealed and the following is substituted in lieu thereof (*Effective*  
877 *October 1, 2008*):

878 (a) (1) At least once every ten years, the commission shall prepare or  
879 amend and shall adopt a plan of conservation and development for the  
880 municipality. Following adoption, the commission shall regularly  
881 review and maintain such plan. The commission may adopt such  
882 geographical, functional or other amendments to the plan or parts of  
883 the plan, in accordance with the provisions of this section, as it deems  
884 necessary. The commission may, at any time, prepare, amend and  
885 adopt plans for the redevelopment and improvement of districts or  
886 neighborhoods which, in its judgment, contain special problems or  
887 opportunities or show a trend toward lower land values.

888 (2) If a plan is not amended decennially, the chief elected official of  
889 the municipality shall submit a letter to the Secretary of the Office of  
890 Policy and Management and the Commissioners of Transportation,  
891 Environmental Protection and Economic and Community  
892 Development that explains why such plan was not amended. Until the  
893 plan is amended in accordance with this subsection, a copy of such  
894 letter shall be included in each application by the municipality for  
895 funding for the conservation or development of real property  
896 submitted to said secretary or commissioners.

897 (b) In the preparation of such plan, the commission may appoint  
898 one or more special committees to develop and make  
899 recommendations for the plan. The membership of any special  
900 committee may include: Residents of the municipality and  
901 representatives of local boards dealing with zoning, inland wetlands,  
902 conservation, recreation, education, public works, finance,  
903 redevelopment, general government and other municipal functions. In  
904 performing its duties under this section, the commission or any special

905 committee may accept information from any source or solicit input  
906 from any organization or individual. The commission or any special  
907 committee may hold public informational meetings or organize other  
908 activities to inform residents about the process of preparing the plan.

909 (c) In preparing such plan, the commission or any special committee  
910 shall consider the following: (1) The community development action  
911 plan of the municipality, if any, (2) the need for affordable housing, (3)  
912 the need for protection of existing and potential public surface and  
913 ground drinking water supplies, (4) the use of cluster development  
914 and other development patterns to the extent consistent with soil  
915 types, terrain and infrastructure capacity within the municipality, (5)  
916 the state plan of conservation and development adopted pursuant to  
917 chapter 297, (6) the regional plan of conservation and development  
918 adopted pursuant to section 8-35a of the 2008 supplement to the  
919 general statutes, as amended by this act, (7) physical, social, economic  
920 and governmental conditions and trends, (8) the needs of the  
921 municipality including, but not limited to, human resources,  
922 education, health, housing, recreation, social services, public utilities,  
923 public protection, transportation and circulation and cultural and  
924 interpersonal communications, (9) the objectives of energy-efficient  
925 patterns of development, the use of solar and other renewable forms of  
926 energy and energy conservation, and (10) protection and preservation  
927 of agriculture.

928 (d) (1) Such plan of conservation and development shall (A) be a  
929 statement of policies, goals and standards for the physical and  
930 economic development of the municipality, (B) provide for a system of  
931 principal thoroughfares, parkways, bridges, streets, sidewalks,  
932 multipurpose trails and other public ways as appropriate, (C) be  
933 designed to promote, with the greatest efficiency and economy, the  
934 coordinated development of the municipality and the general welfare  
935 and prosperity of its people and identify areas where it is feasible and  
936 prudent (i) to have compact, transit accessible, pedestrian-oriented  
937 mixed use development patterns and land reuse, and (ii) to promote  
938 such development patterns and land reuse, (D) recommend the most

939 desirable use of land within the municipality for residential,  
940 recreational, commercial, industrial, conservation and other purposes  
941 and include a map showing such proposed land uses, (E) recommend  
942 the most desirable density of population in the several parts of the  
943 municipality, (F) note any inconsistencies with the following growth  
944 management principles: (i) Redevelopment and revitalization of  
945 commercial centers and areas of mixed land uses with existing or  
946 planned physical infrastructure; (ii) expansion of housing  
947 opportunities and design choices to accommodate a variety of  
948 household types and needs; (iii) concentration of development around  
949 transportation nodes and along major transportation corridors to  
950 support the viability of transportation options and land reuse; (iv)  
951 conservation and restoration of the natural environment, cultural and  
952 historical resources and existing farmlands; (v) protection of  
953 environmental assets critical to public health and safety; and (vi)  
954 integration of planning across all levels of government to address  
955 issues on a local, regional and state-wide basis, (G) make provision for  
956 the development of housing opportunities, including opportunities for  
957 multifamily dwellings, consistent with soil types, terrain and  
958 infrastructure capacity, for all residents of the municipality and the  
959 planning region in which the municipality is located, as designated by  
960 the Secretary of the Office of Policy and Management under section  
961 16a-4a, (H) promote housing choice and economic diversity in  
962 housing, including housing for both low and moderate income  
963 households, and encourage the development of housing which will  
964 meet the housing needs identified in the housing plan prepared  
965 pursuant to section 8-37t and in the housing component and the other  
966 components of the state plan of conservation and development  
967 prepared pursuant to chapter 297. In preparing such plan the  
968 commission shall consider focusing development and revitalization in  
969 areas with existing or planned physical infrastructure.

970 (2) For any municipality that is contiguous to Long Island Sound,  
971 such plan shall be (A) consistent with the municipal coastal program  
972 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
973 reasonable consideration for restoration and protection of the

974 ecosystem and habitat of Long Island Sound, and (C) designed to  
975 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
976 Long Island Sound.

977 (e) Such plan may show the commission's and any special  
978 committee's recommendation for (1) conservation and preservation of  
979 traprock and other ridgelines, (2) airports, parks, playgrounds and  
980 other public grounds, (3) the general location, relocation and  
981 improvement of schools and other public buildings, (4) the general  
982 location and extent of public utilities and terminals, whether publicly  
983 or privately owned, for water, sewerage, light, power, transit and other  
984 purposes, (5) the extent and location of public housing projects, (6)  
985 programs for the implementation of the plan, including (A) a schedule,  
986 (B) a budget for public capital projects, (C) a program for enactment  
987 and enforcement of zoning and subdivision controls, building and  
988 housing codes and safety regulations, (D) plans for implementation of  
989 affordable housing, (E) plans for open space acquisition and  
990 greenways protection and development, and (F) plans for corridor  
991 management areas along limited access highways or rail lines,  
992 designated under section 16a-27, (7) proposed priority funding areas,  
993 and (8) any other recommendations as will, in the commission's or any  
994 special committee's judgment, be beneficial to the municipality. The  
995 plan may include any necessary and related maps, explanatory  
996 material, photographs, charts or other pertinent data and information  
997 relative to the past, present and future trends of the municipality.

998 (f) (1) A plan of conservation and development or any part thereof  
999 or amendment thereto prepared by the commission or any special  
1000 committee shall be reviewed, and may be amended, by the  
1001 commission prior to scheduling at least one public hearing on  
1002 adoption.

1003 (2) At least sixty-five days prior to the public hearing on adoption,  
1004 the commission shall submit a copy of such plan or part thereof or  
1005 amendment thereto for review and comment to the legislative body or,  
1006 in the case of a municipality for which the legislative body of the

1007 municipality is a town meeting or representative town meeting, to the  
1008 board of selectmen. The legislative body or board of selectmen, as the  
1009 case may be, may hold one or more public hearings on the plan and  
1010 shall endorse or reject such entire plan or part thereof or amendment  
1011 and may submit comments and recommended changes to the  
1012 commission. The commission may render a decision on the plan  
1013 without the report of such body or board.

1014 (3) At least thirty-five days prior to the public hearing on adoption,  
1015 the commission shall post the plan on the Internet web site of the  
1016 municipality, if any.

1017 (4) At least sixty-five days prior to the public hearing on adoption,  
1018 the commission shall submit a copy of such plan or part thereof or  
1019 amendment thereto to the regional planning agency for review and  
1020 comment. The regional planning agency shall submit an advisory  
1021 report along with its comments to the commission at or before the  
1022 hearing. Such comments shall include a finding on the consistency of  
1023 the plan with (A) the regional plan of conservation and development,  
1024 adopted under section 8-35a of the 2008 supplement to the general  
1025 statutes, as amended by this act, (B) the state plan of conservation and  
1026 development, adopted pursuant to chapter 297, and (C) the plans of  
1027 conservation and development of other municipalities in the area of  
1028 operation of the regional planning agency. The commission may  
1029 render a decision on the plan without the report of the regional  
1030 planning agency.

1031 (5) At least thirty-five days prior to the public hearing on adoption,  
1032 the commission shall file in the office of the town clerk a copy of such  
1033 plan or part thereof or amendment thereto but, in the case of a district  
1034 commission, such commission shall file such information in the offices  
1035 of both the district clerk and the town clerk.

1036 (6) The commission shall cause to be published in a newspaper  
1037 having a general circulation in the municipality, at least twice at  
1038 intervals of not less than two days, the first not more than fifteen days,  
1039 or less than ten days, and the last not less than two days prior to the



1040 date of each such hearing, notice of the time and place of any such  
1041 public hearing. Such notice shall make reference to the filing of such  
1042 draft plan in the office of the town clerk, or both the district clerk and  
1043 the town clerk, as the case may be.

1044 (g) (1) After completion of the public hearing, the commission may  
1045 revise the plan and may adopt the plan or any part thereof or  
1046 amendment thereto by a single resolution or may, by successive  
1047 resolutions, adopt parts of the plan and amendments thereto.

1048 (2) Any plan, section of a plan or recommendation in the plan that is  
1049 not endorsed in the report of the legislative body or, in the case of a  
1050 municipality for which the legislative body is a town meeting or  
1051 representative town meeting, by the board of selectmen, of the  
1052 municipality may only be adopted by the commission by a vote of not  
1053 less than two-thirds of all the members of the commission.

1054 (3) Upon adoption by the commission, any plan or part thereof or  
1055 amendment thereto shall become effective at a time established by the  
1056 commission, provided notice thereof shall be published in a  
1057 newspaper having a general circulation in the municipality prior to  
1058 such effective date.

1059 (4) Not more than thirty days after adoption, any plan or part  
1060 thereof or amendment thereto shall be posted on the Internet web site  
1061 of the municipality, if any, and shall be filed in the office of the town  
1062 clerk, except that, if it is a district plan or amendment, it shall be filed  
1063 in the offices of both the district and town clerks.

1064 (5) Not more than sixty days after adoption of the plan, the  
1065 commission shall submit a copy of the plan to the Secretary of the  
1066 Office of Policy and Management and shall include with such copy a  
1067 description of any inconsistency between the plan adopted by the  
1068 commission and the state plan of conservation and development and  
1069 the reasons therefor.

1070 (h) Any owner or tenant, or authorized agent of such owner or

1071 tenant, of real property or buildings thereon located in the  
1072 municipality may submit a proposal to the commission requesting a  
1073 change to the plan of conservation and development. Such proposal  
1074 shall be submitted in writing and on a form prescribed by the  
1075 commission. Notwithstanding the provisions of subsection (a) of  
1076 section 8-7d of the 2008 supplement to the general statutes, as  
1077 amended by this act, the commission shall review and may approve,  
1078 modify and approve or reject the proposal in accordance with the  
1079 provisions of subsection (f) of this section.

1080 Sec. 19. Section 8-23 of the 2008 supplement to the general statutes,  
1081 as amended by section 3 of public act 07-239 and section 4 of public act  
1082 07-5 of the June special session, is repealed and the following is  
1083 substituted in lieu thereof (*Effective July 1, 2010*):

1084 (a) (1) At least once every ten years, the commission shall prepare or  
1085 amend and shall adopt a plan of conservation and development for the  
1086 municipality. Following adoption, the commission shall regularly  
1087 review and maintain such plan. The commission may adopt such  
1088 geographical, functional or other amendments to the plan or parts of  
1089 the plan, in accordance with the provisions of this section, as it deems  
1090 necessary. The commission may, at any time, prepare, amend and  
1091 adopt plans for the redevelopment and improvement of districts or  
1092 neighborhoods which, in its judgment, contain special problems or  
1093 opportunities or show a trend toward lower land values.

1094 (2) If a plan is not amended decennially, the chief elected official of  
1095 the municipality shall submit a letter to the Secretary of the Office of  
1096 Policy and Management and the Commissioners of Transportation,  
1097 Environmental Protection and Economic and Community  
1098 Development that explains why such plan was not amended. A copy  
1099 of such letter shall be included in each application by the municipality  
1100 for discretionary state funding submitted to any state agency.

1101 (b) Until the plan is amended in accordance with this subsection the  
1102 municipality shall be ineligible for discretionary state funding unless  
1103 such prohibition is expressly waived by the secretary.

1104 (c) In the preparation of such plan, the commission may appoint one  
1105 or more special committees to develop and make recommendations for  
1106 the plan. The membership of any special committee may include:  
1107 Residents of the municipality and representatives of local boards  
1108 dealing with zoning, inland wetlands, conservation, recreation,  
1109 education, public works, finance, redevelopment, general government  
1110 and other municipal functions. In performing its duties under this  
1111 section, the commission or any special committee may accept  
1112 information from any source or solicit input from any organization or  
1113 individual. The commission or any special committee may hold public  
1114 informational meetings or organize other activities to inform residents  
1115 about the process of preparing the plan.

1116 (d) In preparing such plan, the commission or any special  
1117 committee shall consider the following: (1) The community  
1118 development action plan of the municipality, if any, (2) the need for  
1119 affordable housing, (3) the need for protection of existing and potential  
1120 public surface and ground drinking water supplies, (4) the use of  
1121 cluster development and other development patterns to the extent  
1122 consistent with soil types, terrain and infrastructure capacity within  
1123 the municipality, (5) the state plan of conservation and development  
1124 adopted pursuant to chapter 297, (6) the regional plan of conservation  
1125 and development adopted pursuant to section 8-35a of the 2008  
1126 supplement to the general statutes, as amended by this act, (7)  
1127 physical, social, economic and governmental conditions and trends, (8)  
1128 the needs of the municipality including, but not limited to, human  
1129 resources, education, health, housing, recreation, social services, public  
1130 utilities, public protection, transportation and circulation and cultural  
1131 and interpersonal communications, (9) the objectives of energy-  
1132 efficient patterns of development, the use of solar and other renewable  
1133 forms of energy and energy conservation, and (10) protection and  
1134 preservation of agriculture.

1135 (e) (1) Such plan of conservation and development shall (A) be a  
1136 statement of policies, goals and standards for the physical and  
1137 economic development of the municipality, (B) provide for a system of

1138 principal thoroughfares, parkways, bridges, streets, sidewalks,  
1139 multipurpose trails and other public ways as appropriate, (C) be  
1140 designed to promote, with the greatest efficiency and economy, the  
1141 coordinated development of the municipality and the general welfare  
1142 and prosperity of its people and identify areas where it is feasible and  
1143 prudent (i) to have compact, transit accessible, pedestrian-oriented  
1144 mixed use development patterns and land reuse, and (ii) to promote  
1145 such development patterns and land reuse, (D) recommend the most  
1146 desirable use of land within the municipality for residential,  
1147 recreational, commercial, industrial, conservation and other purposes  
1148 and include a map showing such proposed land uses, (E) recommend  
1149 the most desirable density of population in the several parts of the  
1150 municipality, (F) note any inconsistencies with the following growth  
1151 management principles: (i) Redevelopment and revitalization of  
1152 commercial centers and areas of mixed land uses with existing or  
1153 planned physical infrastructure; (ii) expansion of housing  
1154 opportunities and design choices to accommodate a variety of  
1155 household types and needs; (iii) concentration of development around  
1156 transportation nodes and along major transportation corridors to  
1157 support the viability of transportation options and land reuse; (iv)  
1158 conservation and restoration of the natural environment, cultural and  
1159 historical resources and existing farmlands; (v) protection of  
1160 environmental assets critical to public health and safety; and (vi)  
1161 integration of planning across all levels of government to address  
1162 issues on a local, regional and state-wide basis, (G) make provision for  
1163 the development of housing opportunities, including opportunities for  
1164 multifamily dwellings, consistent with soil types, terrain and  
1165 infrastructure capacity, for all residents of the municipality and the  
1166 planning region in which the municipality is located, as designated by  
1167 the Secretary of the Office of Policy and Management under section  
1168 16a-4a, (H) promote housing choice and economic diversity in  
1169 housing, including housing for both low and moderate income  
1170 households, and encourage the development of housing which will  
1171 meet the housing needs identified in the housing plan prepared  
1172 pursuant to section 8-37t and in the housing component and the other

1173 components of the state plan of conservation and development  
1174 prepared pursuant to chapter 297. In preparing such plan the  
1175 commission shall consider focusing development and revitalization in  
1176 areas with existing or planned physical infrastructure.

1177 (2) For any municipality that is contiguous to Long Island Sound,  
1178 such plan shall be (A) consistent with the municipal coastal program  
1179 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
1180 reasonable consideration for restoration and protection of the  
1181 ecosystem and habitat of Long Island Sound, and (C) designed to  
1182 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
1183 Long Island Sound.

1184 (f) Such plan may show the commission's and any special  
1185 committee's recommendation for (1) conservation and preservation of  
1186 traprock and other ridgelines, (2) airports, parks, playgrounds and  
1187 other public grounds, (3) the general location, relocation and  
1188 improvement of schools and other public buildings, (4) the general  
1189 location and extent of public utilities and terminals, whether publicly  
1190 or privately owned, for water, sewerage, light, power, transit and other  
1191 purposes, (5) the extent and location of public housing projects, (6)  
1192 programs for the implementation of the plan, including (A) a schedule,  
1193 (B) a budget for public capital projects, (C) a program for enactment  
1194 and enforcement of zoning and subdivision controls, building and  
1195 housing codes and safety regulations, (D) plans for implementation of  
1196 affordable housing, (E) plans for open space acquisition and  
1197 greenways protection and development, and (F) plans for corridor  
1198 management areas along limited access highways or rail lines,  
1199 designated under section 16a-27, (7) proposed priority funding areas,  
1200 and (8) any other recommendations as will, in the commission's or any  
1201 special committee's judgment, be beneficial to the municipality. The  
1202 plan may include any necessary and related maps, explanatory  
1203 material, photographs, charts or other pertinent data and information  
1204 relative to the past, present and future trends of the municipality.

1205 (g) (1) A plan of conservation and development or any part thereof

1206 or amendment thereto prepared by the commission or any special  
1207 committee shall be reviewed, and may be amended, by the  
1208 commission prior to scheduling at least one public hearing on  
1209 adoption.

1210 (2) At least sixty-five days prior to the public hearing on adoption,  
1211 the commission shall submit a copy of such plan or part thereof or  
1212 amendment thereto for review and comment to the legislative body or,  
1213 in the case of a municipality for which the legislative body of the  
1214 municipality is a town meeting or representative town meeting, to the  
1215 board of selectmen. The legislative body or board of selectmen, as the  
1216 case may be, may hold one or more public hearings on the plan and  
1217 shall endorse or reject such entire plan or part thereof or amendment  
1218 and may submit comments and recommended changes to the  
1219 commission. The commission may render a decision on the plan  
1220 without the report of such body or board.

1221 (3) At least thirty-five days prior to the public hearing on adoption,  
1222 the commission shall post the plan on the Internet web site of the  
1223 municipality, if any.

1224 (4) At least sixty-five days prior to the public hearing on adoption,  
1225 the commission shall submit a copy of such plan or part thereof or  
1226 amendment thereto to the regional planning agency for review and  
1227 comment. The regional planning agency shall submit an advisory  
1228 report along with its comments to the commission at or before the  
1229 hearing. Such comments shall include a finding on the consistency of  
1230 the plan with (A) the regional plan of conservation and development,  
1231 adopted under section 8-35a of the 2008 supplement to the general  
1232 statutes, as amended by this act, (B) the state plan of conservation and  
1233 development, adopted pursuant to chapter 297, and (C) the plans of  
1234 conservation and development of other municipalities in the area of  
1235 operation of the regional planning agency. The commission may  
1236 render a decision on the plan without the report of the regional  
1237 planning agency.

1238 (5) At least thirty-five days prior to the public hearing on adoption,

1239 the commission shall file in the office of the town clerk a copy of such  
1240 plan or part thereof or amendment thereto but, in the case of a district  
1241 commission, such commission shall file such information in the offices  
1242 of both the district clerk and the town clerk.

1243 (6) The commission shall cause to be published in a newspaper  
1244 having a general circulation in the municipality, at least twice at  
1245 intervals of not less than two days, the first not more than fifteen days,  
1246 or less than ten days, and the last not less than two days prior to the  
1247 date of each such hearing, notice of the time and place of any such  
1248 public hearing. Such notice shall make reference to the filing of such  
1249 draft plan in the office of the town clerk, or both the district clerk and  
1250 the town clerk, as the case may be.

1251 (h) (1) After completion of the public hearing, the commission may  
1252 revise the plan and may adopt the plan or any part thereof or  
1253 amendment thereto by a single resolution or may, by successive  
1254 resolutions, adopt parts of the plan and amendments thereto.

1255 (2) Any plan, section of a plan or recommendation in the plan that is  
1256 not endorsed in the report of the legislative body or, in the case of a  
1257 municipality for which the legislative body is a town meeting or  
1258 representative town meeting, by the board of selectmen, of the  
1259 municipality may only be adopted by the commission by a vote of not  
1260 less than two-thirds of all the members of the commission.

1261 (3) Upon adoption by the commission, any plan or part thereof or  
1262 amendment thereto shall become effective at a time established by the  
1263 commission, provided notice thereof shall be published in a  
1264 newspaper having a general circulation in the municipality prior to  
1265 such effective date.

1266 (4) Not more than thirty days after adoption, any plan or part  
1267 thereof or amendment thereto shall be posted on the Internet web site  
1268 of the municipality, if any, and shall be filed in the office of the town  
1269 clerk, except that, if it is a district plan or amendment, it shall be filed  
1270 in the offices of both the district and town clerks.

1271 (5) Not more than sixty days after adoption of the plan, the  
 1272 commission shall submit a copy of the plan to the Secretary of the  
 1273 Office of Policy and Management and shall include with such copy a  
 1274 description of any inconsistency between the plan adopted by the  
 1275 commission and the state plan of conservation and development and  
 1276 the reasons therefor.

1277 (i) Any owner or tenant, or authorized agent of such owner or  
 1278 tenant, of real property or buildings thereon located in the  
 1279 municipality may submit a proposal to the commission requesting a  
 1280 change to the plan of conservation and development. Such proposal  
 1281 shall be submitted in writing and on a form prescribed by the  
 1282 commission. Notwithstanding the provisions of subsection (a) of  
 1283 section 8-7d of the 2008 supplement to the general statutes, as  
 1284 amended by this act, the commission shall review and may approve,  
 1285 modify and approve or reject the proposal in accordance with the  
 1286 provisions of subsection (g) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	4-124i
Sec. 2	October 1, 2008	23-102(b)
Sec. 3	October 1, 2008	25-204(d)
Sec. 4	October 1, 2008	25-204(f)
Sec. 5	October 1, 2008	25-234(d) to (f)
Sec. 6	October 1, 2008	4-124h
Sec. 7	October 1, 2008	8-33a
Sec. 8	October 1, 2008	New section
Sec. 9	October 1, 2008	8-7d(a)
Sec. 10	October 1, 2008	16a-4a
Sec. 11	October 1, 2008	New section
Sec. 12	October 1, 2008	16a-27
Sec. 13	July 1, 2008	4-124s
Sec. 14	October 1, 2008	8-35a
Sec. 15	October 1, 2008	8-389
Sec. 16	October 1, 2008	25-206
Sec. 17	October 1, 2008	25-236
Sec. 18	October 1, 2008	8-23



Sec. 19	<i>July 1, 2010</i>	8-23
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**Statement of Legislative Commissioners:**

In the first sentence of subsection (b) of section 8, "planning commission" was changed to "planning and zoning commission" for accuracy and section 20, which duplicated section 17, was deleted for accuracy.

**PRI**      *Joint Favorable Subst. C/R*      PD

**PD** *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>	<b>FY 11</b>
Policy & Mgmt., Off.	GF - Cost	None	\$100,000 - \$150,000	\$100,000 - \$150,000

Note: GF=General Fund

#### ***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>
Various Municipalities	Cost Avoidance	Potential Significant	Potential Significant

### ***Explanation***

Section 11 of the bill results in costs to the Office of Policy and Management (OPM) of \$100,000 - \$150,000 in both FY 10 and FY 11 for consultants to gather and analyze data and to update regional borders as required by the bill.

Additionally, Section 13 expands the range of projects eligible for regional performance incentive grants and eliminates other requirements for proposed projects. The budget bill, sHB 5021, as favorably reported by the Appropriations Committee on March 26, 2008, contains \$5 million in FY 09 in the Office of Policy and Management for this purpose. It is anticipated that any grants to regional entities will result in a cost avoidance to member municipalities.

### ***The Out Years***

The annualized ongoing fiscal impact for regional performance incentive grants identified above would continue into the future

subject to inflation and available appropriations. The costs to OPM to update borders will recur in twenty years, when the next update to the regional borders is scheduled to occur.

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**OLR Bill Analysis****sHB 5324*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY OF REGIONAL PLANNING ORGANIZATIONS.*****SUMMARY:**

This bill expands the capacity for state and regional planning. It requires the Office of Policy and Management (OPM) secretary to (1) rank the state's policies for developing and conserving land and (2) track the extent to which the state's principles for managing growth are being implemented. These policies and principles are specified in the State Plan of Conservation and Development (Plan of C&D), which serves as the basis for state agencies deciding whether to fund major physical development projects.

The bill also requires the secretary to reassess the boundaries of the state's planning regions at least once every 20 years and change them if necessary. The law allows towns within these regions to form three types of regional planning bodies. The rules governing these bodies vary. The bill gives them largely the same powers and duties and refers to them collectively as regional planning organizations (RPOs). It also makes many conforming technical changes regarding RPOs.

By law, most RPOs must prepare a 10-year regional plan of development. These plans do not have to be consistent with the state plan, but the law requires the secretary to review them to determine if they are not inconsistent with the state plan. The bill requires the secretary to develop uniform criteria for reviewing regional plans.

The bill requires municipal zoning commissions to notify RPOs about projects that could affect a region and specifies a procedure for

doing so. The secretary must adopt regulatory criteria commissions must use to determine if a project could affect the region.

Lastly, the bill expands the range of projects eligible for regional performance incentive grants, which are currently available for delivering an existing municipal service on a regional basis. The bill extends eligibility to new services that are not being provided anywhere in the region. It also drops the requirement that proposed projects increase local purchasing power or lower tax rates but requires the secretary to give priority to those that do.

EFFECTIVE DATE: October 1, 2008 except, for the changes affecting the regional performance incentive grants, which take effect July 1, 2008.

## **STATE PLANNING**

### **§ 12 — *State Plan of Conservation and Development***

By law, the OPM secretary must prepare the State Plan of Conservation and Development and revise it every five years. The plan contains policies and growth management principles for managing the state's physical development. State agencies must consider them when deciding whether to fund sewers, roads, public facilities, and other large-scale infrastructure that could affect where private developers build homes, stores, and office parks.

The bill expands the plan's capacity as a decision making tool. It requires the secretary to rank the plan's policies and adopt standards for determining if they are being met. Specifically, he must:

1. assign a priority to each policy,
2. estimate how much it would cost to implement it and identify potential funding sources,
3. identify the entities that must implement it, and
4. specify the schedule for doing so.

The secretary must also track the extent to which the plan's principles are being met. He must do so by developing three standards or benchmarks for each principle. Each set of benchmarks must include one that measures the principle's financial effects.

### **§§ 10 & 11 — Designating Planning Regions**

By law, the OPM secretary must divide the state into logical planning regions. Specifically, he must designate and redesignate the region's boundaries, but the law neither specifies the number of regions he must designate nor the timeframe for reconsidering the current designations. The 15 current planning regions were designated during the late 1950s.

The bill requires the secretary to analyze the existing regions' boundaries at least once every 20 years and redesignate them if necessary. He must do so by October 1, 2011. Any revisions he makes before that date take effect on July 1, 2012. Any subsequent revisions take effect on July 1 after the revision.

When analyzing the regions, the secretary must develop criteria to evaluate how urban centers affect neighboring towns. At a minimum, the criteria must evaluate environmental and economic development trends, including housing, employment levels, commuting patterns for the most common types of jobs, traffic patterns on major roads, and changes in how people see social and historic ties. The criteria must also specify a minimum size for logical planning areas based on the number of municipalities, total population, and total square mileage.

### **§§ 1, 6, & 7 — REGIONAL PLANNING ORGANIZATIONS**

Just as the law requires the secretary to prepare a state plan of conservation and development, it requires regional planning bodies to prepare similar plans for their respective regions. The bill refers to these bodies as "regional planning organizations" (RPO). The law allows towns to form three types of RPOs: regional planning agencies (RPA), regional councils of elected officials (RCEO), and regional councils of governments (RCOG). Their powers and duties vary, and

so do the rules for forming them.

Towns can establish an RPA to prepare the statutorily required regional plan of development. Their representatives on the RPA's board are not limited to each town's chief elected official. Consequently, they may form a regional council of elected officials to air mutual concerns and interests. This council may perform the RPA's duties if the region does not have one.

Lastly, the towns can put the policy making and planning functions under their chief elected officials by establishing a regional council of governments that automatically supplants and assumes the duties of the RPA. This council includes a regional planning commission consisting of one representative from each local planning commission.

The bill places RCEOs on the same footing as the other RPOs. By law, two or more towns in a region can form an RCEO. Consequently, they are easier to form than RPAs and RCOGs, which require the approval of at least 60% of the region's towns. The bill gives RCEOs the same powers as regional councils of governments in regions where the latter do not exist. This allows them to acquire real estate (CGS § 4-124r), advise the transportation commission about alternative standards for roads and bridges (CGS § 13a-13a), and advise the economic and community development commissioner about strategic economic development plans (CGS § 32-1o).

Under the bill, RPAs' bylaws must include provisions requiring the chief elected officials of the RPA's member towns to hold quarterly meetings on regional issues. By law each participating town gets two seats on the RPA's board, and those with more than 25,000 people get an extra representative for each 50,000 people. But, as noted above, the representatives need not be the towns' chief elected officials (CGS § 8-31a).

## **REGIONAL LAND USE COORDINATION**

### **§ 14 — *Regional Plans of Conservation and Development***

The bill requires the OPM secretary to adopt regulations for

reviewing regional plans of development, which the bill renames regional plans of conservation and development. The law requires RPAs and RCOGs to prepare a regional plan at least once every 10 years. RCEOs must comply with this requirement if they choose to exercise regional planning powers.

In either case, the law requires these bodies to submit the plan to the secretary at least 65 days before the hearing on the plan. The secretary must determine if the plan is not inconsistent with the State Plan of C&D and the state's strategic economic development plan and submit his comments and recommendations on this matter to the RPO. By October 1, 2011, the bill requires the secretary to adopt regulatory criteria for reviewing these plans and issuing his findings.

#### **§§ 8 & 9—*Projects of Regional Significance***

The bill creates a process through which RPOs can review and comment on proposed projects that could affect other towns. The process applies to projects seeking zoning approval and that require a public hearing. The approval can come from a zoning commission or a combined planning and zoning commission.

The OPM secretary must adopt regulations, in consultation with the Responsible Growth Interagency Steering Council, specifying the criteria commissions must use to determine if a project affects other towns, including those in contiguous regions. He must consider a project's location, type, and size. A commission must apply them to any petition, application, or request for zoning approval (i.e., the application).

The procedure is triggered when the commission receives an application that requires a public hearing. The law requires hearings for special permits and requests for zone changes, but not site plan applications requiring no regulatory changes. If the commission must or chooses to hold a public hearing on the application, it must determine if the project is regionally significant and, if it is, notify the RPO in writing about it within 30 days before the hearing. If the town



borders a town in a different region, the commission must notify that town's RPO as well.

The RPO must study the application and report its findings and recommendations to the commission at or before its hearing. In doing so, the RPO must analyze the extent to which the project complies with the region's plan. The RPO may also analyze other issues it deems critical to the analysis. The commission must include the report in the hearing record. The bill creates a presumption that the RPO does not disapprove the plan if it submits no report.

The law already requires the commission to give similar notice about proposed zone changes within 500 feet of another town. It must do so if its RPO is an RPA or RCOG (CGS § 8-3b). The commission must notify the RPA within 30 days before the hearing, and the RPA must review study the proposal and report back to the commission. A similar process applies to subdivisions within 500 feet of a contiguous town (CGS 8-26b).

### **§§ 3, 4, & 5 — River Protection Plans**

The bill includes RCEOs exercising regional planning powers in the review of river protection plans. By law, the OPM secretary must coordinate the review of these plans and related documents, which are prepared by organizations that manage river resources. These organizations are river committees, which the Department of Environmental Protection commissioner may establish for state-designated river corridors, and river commissions, which two or more towns may establish for a river that forms their boundaries or flows through them (CGS §§ 25-203 and 25-232).

The bill requires the secretary to include RCEOs exercising regional planning duties in the reviews he coordinates of river management plans. The current law limits the RPOs' participation to RPAs and RCOGs.

## **§ 13 — FUNDING FOR REGIONALLY DELIVERED SERVICES**

### ***Grants for New Services***

The bill makes new services eligible for regional performance incentive grants. Current law allows the secretary to provide grants for delivering an existing municipal service on a regional basis. A service qualifies for a grant only if one or more towns in the region are delivering the service separately, not regionally. Only RPOs may apply for the grants.

The bill allows the secretary to provide grants also for delivering a service that is not being provided by any town in the region. As with existing services, a new service qualifies for a grant if two or more towns will deliver it together. The bill also qualifies planning studies for grants. The study may examine delivering an existing or new service on a regional basis.

The bill also opens the grants up to more proposals in other ways. It does so by dropping the requirement limiting proposals only to those that increase the participating towns' purchasing power or that lower costs to the point where towns can reduce tax rates. Although the bill eliminates this requirement, it requires the secretary to give priority to proposals that will produce these effects.

### ***Application Requirements***

The bill changes the grant application requirements. Under current law, an RPO must submit a proposal to the secretary describing:

1. at least one service currently provided on a municipal rather than a regional basis;
2. how the service would be delivered regionally, including which entity would deliver it and how the population would continue to be served;
3. how the service would achieve economies of scale and how much would be saved; and
4. the mill rate reduction due to the resulting savings and how this reduction would be implemented.

The proposal must also:

1. include a cost/benefit analysis of providing the service on a regional versus municipal basis,
2. set out an implementation plan for providing the service regionally,
3. estimate the savings for each municipality, and
4. include other information the secretary requests.

The bill additionally requires the proposal to explain the need for the service and the potential legal obstacles to delivering it regionally. Under current law, the proposal must include an attachment certifying that there are no legal obstacles to regionally delivering the service. The bill drops this requirement and those for estimated cost savings and other information the secretary requires.

Under current law, each participating town's legislative body must adopt a resolution endorsing the proposal, and the resolution must be attached to it. In towns where the legislative body is the town meeting, the resolution must come from the board of selectmen.

### ***Funding Criteria***

The bill changes the criteria for awarding the grants. Under current law, the secretary must give priority to proposals that involve at least half of an RCOG's member towns. Under the bill, he must give priority to those that involve all of an RPO's member towns.

The bill also requires the secretary to give priority to proposals that increase the municipalities' purchasing power or that cut costs and consequently lower tax rates. As mentioned above, current law allows RPOs to submit proposals that only have these effects.

Starting in 2008, the bill pushes back the deadline for submitting grant applications from December 1 to December 31.

### ***Reporting Deadline***

The law requires the secretary to report annually about the grants to the Finance, Revenue and Bonding Committee. Under current law, the report is due February 1. The bill pushes back the deadline to March 1.

## **BACKGROUND**

### ***Responsible Growth Interagency Steering Council***

The governor created this interagency council under Executive Order 15 to coordinate state policies and programs aimed at revitalizing cities and preserving open spaces. It consists of OPM; the departments of Agriculture, Transportation, Environment Protection, Public Health, and Economic and Community Development; the Connecticut Housing Finance Authority; and the Connecticut Development Authority.

### ***Regional Planning Organizations***

Table 1 shows the type of RPO operating in each planning region.

**Table 1: Regional Planning Organization**

<i>Regional Councils of Governments</i>	<i>Regional Planning Agencies</i>	<i>Regional Councils of Elected Officials</i>
Capitol Region Council of Governments	Central Connecticut Regional Planning Agency	Housatonic Valley Council of Elected Officials
Council of Governments of the Central Naugatuck Valley	Connecticut River Estuary Regional Planning Agency	Litchfield Council of Elected Officials
Northeastern Connecticut Council of Governments	Greater Bridgeport Regional Planning Agency	
South Central Regional Council of Governments	Midstate Regional Planning Agency	
Southeastern	Southwestern Connecticut Regional	

Connecticut Council of Governments	Planning Agency	
Valley Council of Governments		
Windham Region Council of Government		

**COMMITTEE ACTION**

Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference  
Yea 9 Nay 0 (03/06/2008)

Planning and Development Committee

Joint Favorable  
Yea 20 Nay 0 (03/12/2008)